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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,736	08/03/2001	Mitsuhiro Shimazu	VX012330	5069

7590 11/02/2004
VARDELL & VARDELL, PLLC
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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/920,736

Applicant(s)

SHIMAZU ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 1, line 11: The phrase “the individual display segments” lacks clear antecedent basis. The same problem is found in claim 2, line 9.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,648,755 (Yagihashi).

- As for claims 1, 2, 6-9: Yagihashi teaches a display device having a plurality of indicators (“state indication mark”) for displaying various operational states of a working machine (fig. 6). The appearance of the indicators being depended upon a

detected state of the working machine. Figure 6C show the enlarged indicators 701 and 711 responsive to a state change (thus the 701 and 11 of figure 6C are now act as state change indication marks). In normal state, the indicators are displayed as in figure 6A. When a state change is detected, predetermined indicators are minimized (“made unindicative”) while others are enlarged (“made indicative”) as seen figure 6A-C (see also tables 1-4). Yagihashi fails to clearly teach that the “made indicative” indicators are displayed at the pre-determined location replacing the made “unindicative” indicators. However, as disclosed by Yagihashi in the Background of Invention, the displaying of a “made indicative” icon at a predetermined display segment replacing a “made unindicative” responsive to a detected system warning is well known (1:7-19). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known teaching of displaying the “made indicative” icon at the predetermined display segment and replacing the “made unindicative” icon to Yagihashi. Motivation of the combining is for the obvious advantage of catching user attention in an alarm state.

- As for claims 3, 10: The “made indicative” indicator is displayed at the position given a highest priority and the one of lowest priority is removed from the display. The display of the indicators is further ordered according to the priority hierarchy (1:13-20). Thus before the rearranging, it appears that the “made indicative” indicator is displayed at the position of the one that has lowest priority. Even if it is not, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the “made indicative” indicator at the position

of the one that has lowest priority. Motivation of the implementation is for preserving processing time from re-arrangement of the indicators.

- As for claims 4, 11: The vehicle includes multiple running and working sub-systems. The indicators indicate the running/working states of the sub-system (figs 1, 6).
- As for claims 5, 12: The state change indication marks correspond to the state indication marks, i.e., each indicator indicates a corresponding state change.
- As for claims 13-16: Tables 1-4 shows some indicators are enlarged while others are reduced in scale. See also figure 6.

Election/Restrictions

4. Applicant's election with traverse is acknowledged. The restriction has been withdrawn.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
10/30/04


BA HUYNH
PRIMARY EXAMINER